



Republika e Kosovës
Republika Kosovo-Republic of Kosovo
Kuvendi - Skupština – Assembly

Law No.04/L –010

ON INTER-MUNICIPAL COOPERATION

The Assembly of Republic of Kosovo,

Based on Article 65 (1) of the Constitution of Republic of Kosovo;

Adopts:

LAW ON INTER-MUNICIPAL COOPERATION

CHAPTER I
GENERAL PROVISIONS

Article 1
Purpose of the Law

The aim of this Law is to regulate inter-municipal cooperation and cooperation of municipalities of Republic of Kosovo with other municipalities and institutions of local governing outside the Republic of Kosovo.

Article 2
Scope of the Law

1. By this Law shall be regulated the inter-municipal cooperation amongst municipalities of Republic of Kosovo in order to perform their own and extended competencies in compliance with the Constitution of Republic of Kosovo, the applicable law as well as with the European Charter for Self-Governing of the European Council.

2. By this Law shall also be regulated the cooperation of the municipalities of Republic of Kosovo with other municipalities and institutions of local governance outside Republic of Kosovo within the twining or other forms of cooperation on their own and extended competences of the municipalities.

Article 3 Definitions

1. Terms used in this law shall have the following meaning:

1.1. **Inter-municipal cooperation** - relations established between two or more municipalities of Republic of Kosovo based on the agreement for more efficient performance of their own and extended municipal competencies and tasks set forth by the law and for realization of their joint interests and purposes in the field of municipal public services and local development.

1.2. **International municipal cooperation** - all forms of cooperation of municipalities of Republic of Kosovo with other municipalities or institutions of local governing outside the Republic of Kosovo with the purpose of twining or other forms of cooperation within their own and extended competencies of municipalities.

CHAPTER II LOCAL INTER-MUNICIPAL COOPERATION

Article 4 Principles of inter-municipal cooperation

1. For realization of joint goals and interests related with performance of their own and extended competencies pursuant to the law, two or more municipalities are entitled to enter in cooperation relations according to the forms, conditions and procedures set forth by the law.

2. Within inter-municipal cooperation, the municipality can not waive from their competencies or mandate one or more other municipalities with performance of their competencies set forth in paragraph 2 Article 40 of the Law on Local Government.

3. Municipalities involved in any form of inter-municipal cooperation separately or jointly shall be legally responsible for all legal actions and acts resulting from such cooperation.

Article 5
Bases of inter-municipal cooperation

1. Inter-municipal cooperation is based on:
 - 1.1. mutual local interest;
 - 1.2. performance of one or more own or extended competences of the municipalities;
 - 1.3. free will of municipalities to establish relation of inter-municipal cooperation;
 - 1.4. share of roles and responsibilities amongst municipalities and joining municipal resources for cooperation purposes;
 - 1.5. improvement of economy and efficiency of municipal services on behalf of the citizens.

Article 6
Initiative for establishing inter-municipal cooperation

1. Procedure for establishing inter-municipal cooperation shall begin through the initiative.
2. The initiative for establishing inter-municipal cooperation shall be submitted in written by:
 - 2.1. Mayor of the Municipality;
 - 2.2. 1/3 of the members of the Municipal Assembly;
3. The initiative for establishing inter-municipal cooperation shall be submitted in written by:
 - 3.1. at least 5 % of citizens of the municipality entitled to vote;
 - 3.2. Government of Republic of Kosovo, if the establishment of inter-municipal cooperation is considered of a special interest in local and public level;
4. The initiative for establishing inter-municipal cooperation shall contain the purpose of the cooperation, competencies pertaining to it, municipalities involved in cooperation, form of cooperation, the expected benefits, the potential financial implications from the cooperation as well as other issues of importance on the establishment of inter-municipal cooperation.

5. The Mayor of the municipality, shall be obliged within three (3) weeks from the day of submitting the initiative to give his written and justified opinion to the Municipal Assembly on the initiative or proposal, only if the initiative was submitted by the Mayor of the Municipality.

6. The initiative for establishing inter-municipal cooperation shall be submitted to the Municipal Assembly for approval.

Article 7

Procedure of initiative for establishing inter-municipal cooperation

1. The Municipal Assembly shall review the initiative as well as the opinion of the Mayor of the Municipality and takes decision by majority of votes of the members of the Municipal Assembly on the need for establishing such cooperation in line with applicable legislation.

2. The Municipal Assembly shall be obliged to hold an open session on review and decision making of the initiative under Article 6 of this Law. Such session shall be held within ninety (90) days from the submission of this initiative and shall inform the interested parties.

3. If the Municipal Assembly approves the initiative for establishment of inter-municipal cooperation, then the Assembly shall authorize by decision the Mayor of the Municipality to start the consultations with municipalities and possible interested stakeholders for their participation in the cooperation and based on the results of such consultations to prepare the proposal-agreement for establishment of inter-municipal cooperation. When the authorization is taken, the Mayor of the Municipality shall notify the respective municipality for the initiative by which is required the establishment of the inter-municipal cooperation.

4. The Municipal Assembly to which the initiative for establishing inter-municipal cooperation from paragraph 3 of this Article has been sent, is obliged to take decision on the beginning of the negotiations on establishment of the proposed cooperation within ninety (90) days from the day of submission of the proposal. If the Municipal Assembly approves the initiative, then by decision it shall authorize the Mayor of the municipality to represent the municipality during the negotiation process on achievement of the agreements for inter-municipal cooperation.

Article 8

Agreement for inter-municipal cooperation

1. The agreement for establishment of inter-municipal cooperation shall contain at least the following elements:

- 1.1. the contracting parties;
 - 1.2. the subject matter of the contract, the scope and the time frame;
 - 1.3. the rights and obligations of each party involved in the agreement;
 - 1.4. the legal form of cooperation and sources of funding and budget;
 - 1.5. the conditions to withdraw from the contract and termination of the agreement;
 - 1.6. the procedure for solution of eventual conflict;
 - 1.7. other details of the agreement as agreed by the parties/partner municipalities;
2. The agreement of inter-municipal cooperation shall be signed by the Mayors of the municipalities and shall be approved by the Municipal Assemblies that participate in inter-municipal cooperation. The agreement of inter-municipal cooperation shall be valid after assessment of its legality by the responsible Ministry for local governing and after publication of the Agreement in the Official Gazette of Republic of Kosovo.
3. The provisions of this Article are valid for all forms of inter-municipal cooperation set forth by this law.

Article 9

Forms of the inter municipal cooperation

1. Inter-municipal cooperation can be realized through establishment of:
 - 1.1. joint working bodies;
 - 1.2. joint administrative body;
 - 1.3. joint public institutions ;
 - 1.4. joint public entreprise;
 - 1.5. joint public-private partnership.

Article 10
Joint working bodies

1. Two or more municipalities can establish temporary or permanent working bodies and committees for reviewing certain matters determined under the competence of the municipality.
2. The rights and obligations of the joint bodies shall be regulated upon agreement.

Article 11
Joint Administrative Body

1. Two or more municipalities may establish one or more joint administrative bodies in order to perform certain municipal competences as prescribed by law.
2. Mutual rights and obligations of those municipalities which have established a joint administrative body shall be regulated upon agreement.
3. By the agreement under paragraph 1. of this Article shall be defined:
 - 3.1. competences to be performed under the joint administrative body;
 - 3.2. head of the joint administrative body;
 - 3.3. work positions of the joint administrative body;
 - 3.4. procedure for solution of eventual conflicts;
 - 3.5. procedure for solution of the agreement;
 - 3.6. supervision and control can also be reflected;
 - 3.7. budget and accounting;
 - 3.8. monitoring and evaluation mechanisms;
 - 3.9. the seat of the joint administrative body;
 - 3.10. financing mode of the joint administrative body.
4. The joint administrative body shall carry out the professional and administrative work for which it was established on behalf and in interest of the municipalities which have established it and within the competencies of those municipalities.

5. The joint administrative body is not legal entity and all acts and action issued based on the agreement through which was established shall be considered as acts and actions of the municipalities that have established it.

6. The head of the joint administrative body shall report on their performed work and shall respond to the Mayors of municipalities who have established this body.

7. The municipalities that have established the joint administrative body shall assign civil municipal servants to work in the joint administrative body. The civil servants assigned to work in the joint administrative body shall report and implement directions of the head of the joint administrative body.

8. The joint administrative body shall be subject of legal monitoring and justification by the municipality in respect of the actions and acts undertaken on behalf and for the respective municipality.

Article 12 Joint Public Enterprise

Within inter-municipal cooperation and in order to perform local public services, the municipalities may establish joint public enterprises in compliance with conditions and procedures set forth by the Law on Local Enterprises.

Article 13 The joint public institution

1. Municipalities may establish one or more joint public institutions to perform certain activities of public interest and of local importance in the fields of education, health, culture, social protection and other activities that are under own and extended competences of the municipalities.

2. In order for the joint public institution to be established, the Mayors of the municipalities shall sign agreements whereby they shall regulate their mutual rights and obligations.

3. The joint public institution shall be established with a decision adopted by respective municipal assemblies.

4. Decision on the joint public institution shall be adopted with majority of the votes out of the total number of the members of each municipal assembly - founder of the joint public institution.

5. With a decision for establishing the joint public institution it shall be particularly verified:

- 5.1. the name of the founder municipalities;
- 5.2. name and seat of the institution;
- 5.3. scope of activities of such institution;
- 5.4. resources provided by the founders in order to establish the institution and make it operational as well as the manner in which such means were obtained;
- 5.5. permanent sources of funding, the manner and conditions for ensuring the means for the work of institution;
- 5.6. rights and obligations of the founder in the light of performing activities, namely accomplishing tasks for the institution;
- 5.7. mutual rights and obligations of the institution and founder;
- 5.8. duration of the operation of the institution;
- 5.9. rights, obligations and liabilities of the institution in the legal interrelations with the third parties;
- 5.10. responsibility of the co-founders when it comes to the institution debts allocated before and after formation of the joint public institution;
- 5.11. the person who shall be managing the institution and will be in charge for representation and presentation of this institution and his authorizations in the legal turnover;
- 5.12. organization of the institution;
- 5.13. appointment of members of the leading body;
- 5.14. prescribed period of time for adoption of the statute and appointment of the director;
- 5.15. manner in which the surplus of revenues over the outcome is tackled and the manner in which the deficiency of money is covered for the work of the institution;
- 5.16. the person who shall be in charge until the constitution of the institution;
- 5.17. number, composition and the manner in which the leading body is selected;
- 5.18. manner in which the manager is selected; and

5.19. composition and manner in which the supervisory body is selected.

Article 14
Joint public-private partnership

In the context of the inter-municipal cooperation and in order to perform the local public services and provision of public infrastructure, the municipalities may enter jointly in institutional or contracting forms of public-private partnership in compliance with terms and procedures set forth in the respective legislation for public-private partnerships.

Article 15
The mandate for performing municipal competencies

1. A Municipality may give mandate, based on the agreement, to another municipality to exercise their certain competences. The mandated municipality exercises certain competences in agreement on behalf of the mandated municipality, while the same one remains responsible for all actions and acts of the mandated municipality.

2. Agreement under paragraph 1. of this Article shall be concluded by the Mayors of the municipalities following preliminary decisions taken by the respective municipal assemblies.

3. With agreement under paragraph 1. of this Article shall be defined:

- 3.1. municipality performing tasks under the competence of the municipality or municipalities for which the tasks are performed;
- 3.2. the type of task and amount of means or users taxes for performance of tasks;
- 3.3. duration of tasks performance;
- 3.4. terms of reference and procedure for termination of the agreement, and
- 3.5. other matters.

Article 16
Encouraging the inter-municipal cooperation

1. The Government of the Republic of Kosovo through financial and administrative incentives can encourage and support financially such inter-municipal cooperation in two or more municipalities in those fields of activities which are of greater importance and interest for the fulfillment of the scopes in those fields.

2. The Government of the Republic of Kosovo upon proposal made by the respective ministry of local government with special acts shall determine fields/competences of greater importance and interest for which it could allocate financial means needed for encouraging inter-municipal cooperation.
3. The Government of the Republic of Kosovo can encourage and support such inter-municipal cooperation based on the criteria set out by the Government upon proposal made by the respective Ministry of Local Government.
4. Stimulation of the inter-municipal cooperation can be financed by the Budget of the Republic of Kosovo, including municipal budget, local and international donations and other financial means allowed with respective Law on Managing the Public Finances.

Article 17
Monitoring the inter-municipal cooperation

The responsible Ministry of Local Government, in cooperation with responsible Ministry for Finances, shall monitor development of inter-municipal cooperation as well as the manner of using the financial means dedicated for stimulation of inter-municipal cooperation according to legislation in force.

CHAPTER III
INTERNATIONAL MUNICIPAL COOPERATION

Article 18
General Rules of International Municipal Cooperation

1. Within their own and extended competences, with the purpose of administrative cooperation, municipalities of Republic of Kosovo can conclude cooperation agreement with foreign municipalities and institutions of local government in compliance with terms of reference, limitations and procedures prescribed in the Law on Local Government.
2. Agreements concluded by municipalities within international municipal cooperation are of administrative and technical nature.
3. Within international municipal cooperation, municipalities can not withdraw from their competences set forth by law, to delegate to a municipality or foreign public authority performance of own competencies and to allow the foreign municipality or public authority to exercise any executive, administrative, legislative power in the territory of Republic of Kosovo or that aims to have such effect in the territory of Republic of Kosovo.

4. Responsible Ministry for Local Government shall issue sub-legal acts necessary for settlement of international municipal cooperation in compliance with this law, Law on Local Government and other respective laws.

CHAPTER IV TRANSITIONAL AND FINAL PROVISIONS

Article 19 Responsibilities of the respective Ministry of Local Government

1. The responsible Ministry of Local Government shall supervise implementation of this law, legality of actions and acts of the municipalities according to the Law on Local Government and exercises other responsibilities defined by this law.
2. The responsible Ministry of Local Government shall draft reports on annual basis, which are to be presented to the Government until 1 March of the next year.

Article 20 Sub-legal Acts

Responsible Ministry for Local Government shall issue sub-legal acts necessary for implementation of this law, unless otherwise prescribed by this law. All necessary sub-legal acts shall be issued by this law, not later than six (6) months following the entrance into force of this law.

Article 21 Transitional and final provisions

Municipalities who have established inter municipal cooperation by the date of entry into force of this law, shall be obliged to hand over the acts of such established cooperation to the responsible Ministry of Local Government within the prescribed period of thirty (30) days after the entrance into force of this law.

Article 22
Entry into Force

This Law shall enter into force fifteen (15) days after the publication in the Official Gazette of the Republic of Kosovo.

Law No. 04/L-010
21 July 2011

President of the Assembly of the Republic of Kosovo

Jakup KRASNIQI